

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ORTHOPEDIC MEDICAL PROPERTIES LTD,

Plaintiff,

v.

AMERICAN ECONOMY INSURANCE COMPANY, a California general partnership, and DOES 1 through 50, inclusive.

Defendant.

CASE NO. 1:12-CV-00530-AWI-JLT

Magistrate Judge: Hon. Jennifer L. Thurston

**JOINT STIPULATION AND ORDER
EXTENDING DATE FOR PARTIES TO FILE
STIPULATED REQUEST FOR DISMISSAL**

Plaintiff ORTHOPEDIC MEDICAL PROPERTIES LTD (“Plaintiff”) and Defendant AMERICAN ECONOMY INSURANCE COMPANY (“American Economy” or “Defendant”), through their respective counsel of record, respectfully file the following joint stipulation for an extension on the date the stipulated request for dismissal must be filed:

WHEREAS, Plaintiff and Defendant reached an agreement to fully resolve the case and all claims against Defendant on April 29, 2013;

WHEREAS, Defendant caused to be filed a Notice of Settlement advising the Court of the Parties’ resolution of all claims and causes of action in this case;

WHEREAS, on May 1, 2013, Judge Jennifer L. Thurston issued an Order stating that the Parties shall file a stipulated request for dismissal no later than May 31, 2013;

1 WHEREAS, Plaintiff and Defendant reached agreement on the language of the written
2 settlement agreement on May 22, 2013;

3 WHEREAS, Plaintiff provided Defendant with an electronic copy of the signed
4 settlement agreement executed by Plaintiff on May 28, 2013;

5 WHEREAS, Defendant is in the process of issuing the settlement check to Plaintiff which
6 Defendant anticipates will be sent to Defense counsel within the next two weeks;

7 WHEREAS, Plaintiff has authorized Defendant to file the stipulated request for dismissal
8 on behalf of both parties upon Plaintiff's receipt of the settlement check;

9 WHEREAS, Plaintiff and Defendant respectfully request that the Court extend the date
10 that the parties must file the stipulated request for dismissal to permit Plaintiff time to receive the
11 settlement check and authorize Defendant to file the stipulated request for dismissal;

12 WHEREAS, while Plaintiff and Defendant believe that the stipulated request for dismissal
13 will be filed before then, Plaintiff and Defendant respectfully request that the Court extend the
14 date the parties must file the stipulated request for dismissal up to and including June 28, 2013;

15 IT IS SO STIPULATED

16 ROPERS, MAJESKI, KOHN & BENTLEY

17
18 Dated: May 31, 2013

By: /s/ Pamela E. Cogan

PAMELA E. COGAN
BLAKE J. RUSSUM
Attorneys for Defendant
AMERICAN ECONOMY INSURANCE
COMPANY

19
20
21
22 MCCARTNEY GANONG LAW LLP

23
24 Dated: May 31, 2013

By: /s/ N. Thomas McCartney

N. THOMAS MCCARTNEY
Attorney for Plaintiff
ORTHOPEDIC MEDICAL PROPERTIES
LTD.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS HEREBY ORDERED that, pursuant to the parties' joint stipulation for an extension on the date the parties must file the stipulated request for dismissal, the parties SHALL file a stipulated request for dismissal not later than June 28, 2013.

IT IS SO ORDERED.

Dated: June 2, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE